

§ 382.5

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standardization, transportation, energy, warehousing, distribution, and related activities.

(f) Procurement activities.

(g) Scientific and technical information.

(h) Production and manufacturing.

(i) Industrial base resources and productivity.

(j) Force modernization and sustainability and the availability of fielded major weapons systems.

(k) Developmental test and evaluation, as defined in DoD Directive 5000.3,⁵ and, to the extent permitted by law, review and approval of the Test and Evaluation Master Plan.

(l) Environmental policy, services, and related actions.

(m) Assignment and reassignment of research and engineering and acquisition responsibility for programs, systems, and activities.

(n) Codevelopment, coproduction, coprocurement, logistics support, wartime host-nation support, and research interchange with friendly and Allied Nations, in coordination with the USD(P).

(o) Installation management and base closures.

(p) Construction, including construction funded by host-nations under the North Atlantic Treaty Organization (NATO) Infrastructure program and similar programs with other Allied countries.

(q) Strategic and critical defense materials, to include the acquisition, retention, and disposal of stocks and the conservation and development of sources of materials.

(r) Unique acquisition matters in support of special operations and low-intensity conflict programs, systems, and activities related to acquisition, in coordination with the Under Secretary of Defense for Policy.

§ 382.5 Authorities and relationships.

(a) The USD(A) shall take precedence in the Department of Defense on acquisition matters after the Secretary and Deputy Secretary of Defense. On all other matters, the USD(A) shall take precedence after the Secretary and Deputy Secretary of Defense and the

Secretaries of the Military Departments.

(b) The USD(A) is hereby granted the authority to direct the Secretaries of the Military Departments and Heads of all other DoD Components with respect to matters for which the USD(A) has responsibility. In this regard, the USD(A) shall strictly enforce the minimum established requirements in DoD Directive 5000.1 and the documentation requirements and procedures in DoD Instruction 5000.2. The authority of the USD(A) to direct the Secretaries of the Military Departments may not be delegated by the USD(A).

(c) The USD(A) shall decide upon the appropriate implementing actions to be taken as a result of DAB reviews, to include the establishment of specific exit criteria that must be satisfactorily demonstrated before an effect or program can progress to the next Milestone decision point. The USD(A)'s decisions shall be reflected in an Acquisition Decision Memorandum (ADM) issued by the USD(A) for implementation by the Heads of DoD Components. The authority of the USD(A) under this paragraph may not be delegated by the USD(A).

(d) The USD(A) may direct the C, DoD to withhold the release of funds to a program at the time of a DAB Milestone review of the program, when the USD(A) determines that such direction is necessary to ensure that the program meets the criteria established by DoD Directives for existing the Milestone and all additional exist criteria for the program established by the Secretary, Deputy Secretary or Under Secretary for Acquisition. USD(A) may not delegate the authority granted by this paragraph to anyone other than the Deputy USD(A).

(e) In the performance of assigned functions, the USD(A) shall:

(1) Exercise direction, authority, and control over the following activities and organizations that constitute the USD(A) organization (The reporting relationships of these activities and organizations with regard to the USD(A), e.g., direct or indirect, shall be at the discretion of the USD(A)):

(i) The Director of Defense Research and Engineering.

⁵ See footnote 1 to § 382.3(a)(1).

(ii) The Assistant Secretary of Defense (Production and Logistics).

(iii) Acquisition-related activities of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence.

(iv) The Assistant to the Secretary of Defense (Atomic Energy).

(v) The Deputy Under Secretary (Industrial and International Programs).

(vi) The Director of Small and Disadvantaged Business Utilization.

(vii) The Director, Program Integration.

(viii) The Defense Advanced Research Projects Agency, the Defense Communications Agency, the Defense Logistics Agency, the Defense Mapping Agency, the Defense Nuclear Agency, the Defense Contract Management Agency, the Defense Systems Management College, and the On-Site Inspection Agency.

(2) Provide technical guidance for utilization of the Electromagnetic Compatibility Analysis Center.

(3) Provide policy guidance, goal setting, and management supervision for assigned Management Support Activities, and utilization of Federally Funded Research and Development Centers (FFRDCs).

(4) Use existing facilities and services of the Department of Defense and other Federal Agencies, whenever practicable, to avoid duplication and to achieve an appropriate balance among modernization, readiness, sustainability, efficiency, and economy.

(f) The USD(A) shall also:

(1) Issue DoD Instructions, DoD publications, and one-time directive-type memoranda, consistent with DoD 5025.1M,⁶ that implement acquisition policies and procedures for the functions assigned to the USD(A). Instructions to Unified and Specified Commands shall be issued through the Chairman of the Joint Chiefs of Staff (CJCS).

(2) Obtain reports, information, advice, and assistance, consistent with DoD Directive 7750.5,⁷ as necessary in carrying out assigned functions.

(3) Communicate directly with the Heads of DoD Components. Commu-

nications to Commanders of the Unified and Specified Commands shall be through the CJCS.

(4) Establish arrangements for DoD participation in non-defense governmental programs for which the USD(A) is assigned primary DoD cognizance.

(5) Communicate with other Government Agencies, representatives of legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

(6) Coordinate with and exchange information with other OSD officials exercising collateral or related responsibilities.

(7) Exercise the delegations of authority contained in appendix to this part.

(8) Work directly with the Service Acquisition Executives.

(g) Other OSD officials and Heads of Components shall coordinate with the USD(A) on all matters related to authorities, responsibilities, and functions assigned in this part.

(h) In the absence or disability of the USD(A), the Acting USD(A) may exercise all authorities of the USD(A).

(i) Nothing in this part or the Delegations of Authority to the USD(A) limits or otherwise affects delegations of authority by the Secretary of Defense to the Deputy Secretary of Defense.

APPENDIX TO PART 382—DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, and subject to his direction, authority, and control, and in accordance with DoD policies, Directives, and Instructions, the USD(A) is hereby delegated authority to exercise, within his assigned responsibilities and functional areas, all authority of the Secretary of Defense derived from statute, Executive order, authority of the Secretary of Defense derived from statute, Executive order, and interagency agreement, except where specifically limited by statute or Executive order to the Secretary of Defense, to include but not limited to:

1. Exercise all authorities delegated to the Secretary of Defense by the Department of Commerce DPAS Del. No. 1, as amended (DoD Directive 4405.6¹).

2. Act for the Secretary of Defense in the exercise of extraordinary contractual action

⁶See footnote 1 to §382.3(a)(1).

⁷See footnote 1 to §382.3(a)(1).

¹Copies may be obtained, at cost, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.